



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

August 27, 2001

Mr. Robert Springer, Director
Waste, Pesticides and Toxics Division
U.S. Environmental Protection Agency
77 West Jackson Blvd.
Chicago, IL 60604-3507

Subject: Closure of Sites Where Releases of Hazardous Waste Have Occurred

Dear Mr. Springer:

One of the issues we discussed at our meeting on June 13, 2001 was closure of sites using natural attenuation as the selected remedy. This letter is intended to confirm and document that discussion.

We wrote you on April 30, 2001 requesting your concurrence with our use of the NR 700 series rules when selecting remedies and closing out sites with releases of hazardous waste. We wanted this written concurrence because the explicit provisions on natural attenuation weren't in our rules when Norman Niedergang concurred with our use of the NR 700 series in his letter dated December 15, 1995. Your letter dated June 5, 2001 granted the concurrence that we requested.

Your June 5, 2001 letter also indicated that "We are prepared to consider your technical guidance on the use of natural attenuation at sites contaminated by chlorinated compounds once it is fully developed and is available for review." We are concerned that sentence could be read as limiting your concurrence on our use of natural attenuation to only sites involving petroleum releases. As we discussed at our meeting on June 13, 2001, our April 30, 2001 request was not limited to petroleum releases or any other particular compounds. You indicated that the quoted sentence of your June 5, 2001 letter was not intended to limit your concurrence to petroleum releases.

Wisconsin's administration rules for remedy selection and site closure using natural attenuation can apply to any case as long as the rule criteria are met. We have detailed natural attenuation technical guidance for petroleum product releases and are working on technical guidance for chlorinated compounds. When it's been completed, we will share the guidance with Region 5, but as you indicated WDNR can continue to address any requests for use of natural attenuation as the potential remedy on a case-by-case basis.

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Mr. Robert Springer - August 27, 2001

In order to complete the record on this particular issue, we would request a letter from EPA that documents your concurrence with this letter. If you believe further clarification is necessary, please contact Mark Gordon at (608) 266-7278.

Sincerely,



Mark F. Giesfeldt, P.E., Director
Bureau for Remediation and Redevelopment



Suzanne Bangert, Director
Bureau of Waste Management

c: Air and Waste Management Team
WA Management Team
RR Management Team
Kevin Kessler—AM/7
Pat Chabot-WA/3
Deb Johnson - LC/5
Mark McDermid - CE/8
Gerry Phillips - EPA Region 5



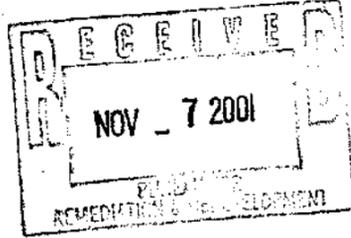
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:
D-8J

November 5, 2001

Mark F. Giesfeldt, Director
Bureau for Remediation and Redevelopment
Wisconsin Department of Natural Resources
P. O. Box 7921
Madison, WI 53707

Suzanne Bangert, Director
Bureau of Waste Management
Wisconsin Department of Natural Resources
P. O. Box 7921
Madison, WI 53707



Dear Mr. Giesfeldt and Ms. Bangert:

Thank you for your letter of August 27, 2001, in which you ask for clarification of my June 5, 2001, concurrence on your use of monitored natural attenuation. As you note in your letter, we discussed during a meeting in Madison on June 13, 2001, and in subsequent phone calls whether or not my concurrence was limited to petroleum releases. My June 5th letter was not intended to limit your use of natural attenuation to only petroleum releases. I agree that WDNR can, on a case-by-case basis, continue to address requests for use of natural attenuation for contaminant releases that include chlorinated compounds as a potential remedy. I am looking forward to your technical guidance on use of natural attenuation at facilities with releases of chlorinated compounds.

Please do not hesitate to contact me, or Gerald W. Phillips of my staff at (312) 886-0977 if you have any questions.

Sincerely,


Robert Springer, Director
Waste, Pesticides and Toxics Division